

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

---

**DANA GIBSON,**

**Plaintiff,**

**9:13-cv-503  
(GLS/TWD)**

**v.**

**C. ROSATI, et al.,**

**Defendants.**

---

**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

DANA GIBSON  
05-A-3824  
Plaintiff, *pro se*  
Upstate Correctional Facility  
P.O. Box 2001  
Malone, New York 12953

**FOR THE DEFENDANTS:**

HON. ERIC T. SCHNEIDERMAN  
New York State Attorney General  
The Capitol  
Albany, New York 12224

JOSHUA E. MCMAHON  
Assistant Attorney General

**Gary L. Sharpe**  
**Senior District Judge**

**ORDER**

The above-captioned matter comes to this court following an Order

and Report-Recommendation by Magistrate Judge Thérèse Wiley Dancks, duly filed on March 10, 2017. (Dkt. No. 192.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed<sup>1</sup>, and the court having reviewed the Report and Recommendation for clear error, it is hereby

**ORDERED** that the Report-Recommendation (Dkt. No. 192) is **ADOPTED** in its entirety; and it is further

**ORDERED** that Plaintiff's motion for partial summary judgment (Dkt. No. 153) is **DENIED**; and it is further

**ORDERED** that Defendants' cross-motion for partial summary judgment (Dkt. No. 163) is **GRANTED**; and it is further

**ORDERED** that this matter is deemed trial ready and a scheduling order will be issued in due course; and it is further

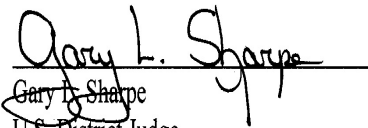
**ORDERED** that the clerk provide a copy of this Order to the parties in accordance with the court's Local Rules of Practice.

**IT IS SO ORDERED.**

---

<sup>1</sup> Plaintiff was granted two (2) extensions of time to file objections to the report-recommendation, where the latter extension permitted the plaintiff until April 24, 2017 to file any objections. (Dkt. Nos. 193-196.)

April 27, 2017  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge